

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
CENTRAL DIVISION AT LEXINGTON

MAGISTRATE'S NO. 5:08-5003M-JBT

UNITED STATES OF AMERICA

PLAINTIFF

VS.

O R D E R

CHESTER DEMPSEY

DEFENDANT

* * * * *

This matter was called for initial appearance/removal hearing on Tuesday, January 8, 2008 at the hour of 2:00 p.m. regarding a petition and order for warrant for violation of conditions of supervised release.

The United States was represented by Assistant United States Attorney Frances Catron-Malone. The defendant was present, in custody. Rachel Yavalak was present on standby.

The proceeding was recorded by official court reporter Rhonda Sansom.

The Court advised the defendant of charges pending against him in the Southern District of Ohio and of his constitutional rights, including his right to counsel and to an identity hearing.

After reviewing a Petition/Order for Warrant and Warrant for Arrest issued in the Southern District of Ohio bearing Case No. CR 2-92-199-01 and after placing the defendant under oath to answer questions, the Court determined that the defendant is the same individual as named in the Petition/Order for Warrant and Warrant as issued. The defendant stated under oath that he was the Chester Dempsey named in the Petition/Order for Warrant and Warrant and that he waived his right to an identity hearing. A Waiver of Rule 40 Hearings (AO466) was executed by the defendant.

After hearing statements of counsel for the respective parties, and

certifying that this is a true and correct
copy of the original filed in my office
JES:JG
CLERK

M. Hill

JAN 11 2008

the Court being otherwise sufficiently advised,

IT IS THEREFORE ORDERED as follows:

(1) That the court finds that the defendant qualifies for court appointed counsel. Rachel Yavalak is appointed to represent the defendant pursuant to the Criminal Justice Act.


(2) That the oral motion of the United States that the defendant be detained in custody for transfer and removal to the Southern District of Ohio by the United States Marshal Service is GRANTED. The defendant shall be committed to the Southern District of Ohio for further proceedings. A separate Order of Commitment shall be entered herein.

(3) That the defendant shall remain in the custody of the United States Marshal for transportation and removal to the Southern District of Ohio.

This 9th day of January, 2008.



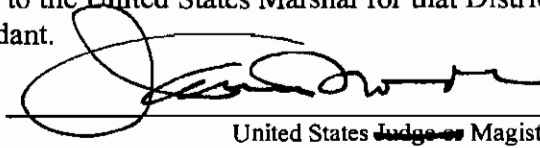
Signed By:

James B. Todd 

United States Magistrate Judge

TIC: .10 minutes

AO 94 (Rev. 8/97) Commitment to Another District

UNITED STATES DISTRICT COURT			
EASTERN		District of KENTUCKY	
UNITED STATES OF AMERICA V. CHESTER DEMPSEY		LEXINGTON Eastern District of Kentucky COMMITMENT TO ANOTHER DISTRICT FILED JAN 08 2008	
DOCKET NUMBER		MAGISTRATE JUDGE CASE NUMBER	
District of Arrest	District of Offense	District of Arrest	District of Offense
CR-2-92-199	CLERK U.S. DISTRICT COURT	08-5003M-JBT	
CHARGES AGAINST THE DEFENDANT ARE BASED UPON AN Indictment <input type="checkbox"/> Information <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Other <input type="checkbox"/> Supervised Release Violation			
charging a U.S.C.			
DISTRICT OF OFFENSE SOUTHERN DISTRICT OF OHIO - COLUMBUS DIVISION			
DESCRIPTION OF CHARGES: SUPERVISED RELEASE VIOLATION			
CURRENT BOND STATUS: <input type="checkbox"/> Bail fixed at _____ and conditions were not met <input type="checkbox"/> Government moved for detention and defendant detained after hearing in District of Arrest <input checked="" type="checkbox"/> Government moved for detention and defendant detained pending detention hearing in District of Offense <input type="checkbox"/> Other (specify) _____			
Representation: <input type="checkbox"/> Retained Own Counsel <input type="checkbox"/> Federal Defender Organization <input checked="" type="checkbox"/> CJA Attorney <input type="checkbox"/> None			
Interpreter Required? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes Language: _____			
DISTRICT OF KENTUCKY			
TO: THE UNITED STATES MARSHAL You are hereby commanded to take custody of the above named defendant and to transport that defendant with a certified copy of this commitment forthwith to the district of offense as specified above and there deliver the defendant to the United States Marshal for that District or to some other officer authorized to receive the defendant.			
January 8, 2008 Date		 United States Judge or Magistrate Judge	
RETURN			
This commitment was received and executed as follows:			
DATE COMMITMENT ORDER RECEIVED		PLACE OF COMMITMENT	
DATE		(BY) DEPUTY MARSHAL	
UNITED STATES MARSHAL		I certify that this is a true and correct copy of the original filed in my office. LESLIE G. WHITMER, CLERK	

JAN 11 2008

UNITED STATES DISTRICT COURT

EASTERN

DISTRICT OF

KENTUCKY

UNITED STATES OF AMERICA

Eastern District of Kentucky

FILED

WAIVER OF RULE 32.1 HEARINGS

(Probation/Supervised Release Violation)

V.

JAN 08 2008

AT LEXINGTON

CASE NUMBER: 08-5003M-JBT

CHESTER DEMPSEY

LESLIE G. WHITMER

Defendant

CLERK U.S. DISTRICT COURT

CHARGING DISTRICTS

CASE NUMBER:

CR-2-92-199

I understand that charges are pending in the SOUTHERN District of OHIO

alleging violation of supervised release and that I have been arrested in this district and
(Probation / Supervised Release)

taken before a judge, who has informed me of the charge(s) and my rights to:

- (1) retain counsel or request the assignment of counsel if I am unable to retain counsel;
- (2) an identity hearing to determine whether I am the person named in the charges;
- (3) ~~a preliminary hearing (but only if I will be kept in custody, and the hearing will only be held in this district if the alleged violation occurred here) to determine whether there is probable cause to believe a violation occurred; and~~
- (4) a hearing under Rule 32.1(a)(6), Fed. R. Crim. P., in which I have the burden of establishing my eligibility for release from custody.

I HEREBY WAIVE (GIVE UP) MY RIGHT TO A(N):

(☒) identity hearing

() preliminary hearing

(☒) identity hearing but request a preliminary hearing be held in the prosecuting district and, therefore, consent to the issuance of an order requiring my appearance in the prosecuting district where the charges are pending against me.

Chester Dempsey
 Defendant

January 8, 2008

Date

[Signature]
 Defense Counsel

certify that this is a true and correct
 copy of the original filed in my office
 LESLIE G. WHITMER, CLERK

[Signature]
 JAN 11 2008

FILED
JAMES BONINI
CLERK
CLOSED

2008 JAN 14 P 1:45

**U.S. District Court
Eastern District of Kentucky (Lexington)
CRIMINAL DOCKET FOR CASE #: 5:08-mj-05003-JBT
Internal Use Only**

U.S. DISTRICT COURT
SOUTHERN DIST. OHIO
EAST DIV. COLUMBUS

Case title: USA v. Dempsey
Other court case number: CR 2-92-199-01 U.S.D.C.
Southern District of Ohio

Date Filed: 01/08/2008
Date Terminated: 01/11/2008

Assigned to: Magistrate Judge James B
Todd

Defendant (1)

Chester Dempsey
TERMINATED: 01/11/2008

represented by **Rachel Diane Yavelak**
Anggelis & Gordon, PLLC
139 Market Street
Lexington, KY 40507
859-255-7761
Fax: 859-255-0011
Email: racheldiya@windstream.net
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: CJA Appointment

Pending Counts

None

Disposition

Highest Offense Level (Opening)

None

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

21:841(a)(1) DISTRIBUTION OF
METHAQUALONE

Disposition

FILED
JAMES BONINI
CLERK
CLOSED

M. Yavelak

JAN 11 2008

Plaintiff**USA**

represented by **Frances E. Catron-Malone**
 U.S. Attorney's Office, EDKY
 260 W. Vine Street
 Suite 300
 Lexington, KY 40507-1612
 859-233-2661
 Fax: 859-233-2747
 Email: Frances.Catron-Malone@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
01/08/2008	1	COPY of Petition/Order for warrant for violation of conditions of supervised release filed in USDC Northern District of Ohio as to Chester Dempsey. (Attachments: # 1 Judgment)(JMW) (Entered: 01/11/2008)
01/08/2008	2	Arrest (Rule 40) of Chester Dempsey (JMW) (Entered: 01/11/2008)
01/08/2008	3	WAIVER of Rule 32.1 Hearings by Chester Dempsey (JMW) (Entered: 01/11/2008)
01/08/2008	4	COMMITMENT TO ANOTHER DISTRICT as to Chester Dempsey. Defendant committed to U.S.D.C. Southern District of Ohio. Signed by Magistrate Judge James B Todd on 1/8/08. (JMW)cc: COR,USM,USP,SDOH (Entered: 01/11/2008)
01/09/2008	2	ORDER FOR INITIAL APPEARANCE/REMOVAL PROCEEDINGS as to Chester Dempsey held on 1/8/08 before Magistrate Judge James B Todd: Rachel Yavelak is appointed to represent the dft pursuant to CJA; (2) the oral motion of the USA that the dft be detained in custody for transfer and removal to the Southern District of Ohio by the U.S. Marshal Service is GRANTED. The dft shall be committed to the Southern District of Ohio for further proceedings. A Separate Order of Commitment shall be entered herein; and (3) the dft shall remain in the custody of the U.S. Marshal for transportation and removal to the Southern District of Ohio. (Court Reporter RHONDA SANSOM) (JMW) cc: COR,USM,USP,CJA,SDOH (Entered: 01/11/2008)
01/11/2008	5	Conflict Check run. (JMW) (Entered: 01/11/2008)
01/11/2008	6	***Terminated defendant in Magistrate Case Chester Dempsey, pending deadlines, and motions. (JMW) (Entered: 01/11/2008)

5:08-mj-05003-JBT

Clerk, U.S. District Court
Southern District of Ohio
260 Joseph P. Kinneary U.S. Courthouse
85 Marconi Boulevard
Columbus, OH 43215-2835

